

Attachment to the Regulatory Review Checklist

1. The administration believes that the current full family sanction is punitive because a family of several children might lose Temporary Assistance for Needy Families (TANF) benefits because the mother does not know the father of one child. The children are being punished through no fault of their own but rather because of the mother's actions.

2. Pursuant to ??63.1 -25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs.

3. The current regulation requires that a parent applying for or receiving TANF benefits provide the name and other information to identify the father of a child for whom paternity has not been established. Failure to provide the information may result in the ineligibility of the caretaker parent, reducing the amount of benefits paid to the family. If the failure to provide information continues for six months, the entire TANF payment is terminated. This fiscal sanction continues until the mother provides the information for paternity identification, and if she is never able to provide the information, the family is permanently ineligible for TANF.

The issue has been raised that the full sanction of benefits is detrimental to the welfare of children who were in no way responsible for the situation in which they find themselves. For their safety and protection, the penalty for noncompliance should be eliminated.

This issue should also be revisited to assess the value of the full family sanction in the context of recent changes to the TANF Program, such as the two-year state limit on receipt of benefits by able-bodied families and the five-year lifetime limit on benefits established by the Personal Responsibility and Work Opportunity Reconciliation Act. These limits on receipt of benefits provide added motivation to recipients to cooperate to the extent possible to locate and begin receiving support since support, plus their wages from employment, will be needed to assure that they will be able to support their families once they are no longer receiving TANF.

4. The Department of Social Services has provided the Office of the Secretary of Health and Human Resources and the Office of the Attorney General with background information explaining the basis for the current regulation. In response, the administration has requested that the Department of Social Services propose an amendment to the regulation to lessen its severity on children. Through the promulgation of the regulation pursuant to the Administrative Process Act, the Department will consider all alternatives proposed, soliciting input from local departments of social services, the Division of Child Support Enforcement, and any interested parties. Thus far, no alternatives have been considered or rejected.

5. The proposed regulation would ameliorate the effect on children when their parent

caretaker is unable to provide required information concerning a child's paternity. By eliminating the full family sanction, the children will continue to receive financial assistance to meet their needs. This increases family stability and reduces the possibility that the children will be separated from their caretaker parent and/or siblings.